

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET AND
ZONING CHANGE REVIEW SHEET**

NEIGHBORHOOD PLAN: East Riverside - Oltorf Combined Neighborhood Plan

CASE #: NPA-2008-0021.01 and C14-2008-0162

PC DATE: December 9, 2008
November 25, 2008

ADDRESS: 1406, 1408, 1504, and 1506 Parker Lane

SITE AREA: 41,687 square feet (0.957 acres)

APPLICANT: Ryan Diepenbrock

OWNERS: Ryan Diepenbrock, Bryant Colman and Michael Hackett

ZONING FROM: SF-3-NP

ZONING TO: MF-3-NP

LAND USE FROM: Single-family

TO: Multifamily

STAFF RECOMMENDATION:

- 1.) The staff recommendation is to **DENY** the requested zoning change of MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) district zoning from SF-3-NP (Family Residence – Neighborhood Plan) district zoning. Staff recommends **SF-6-CO-NP (Townhouse and Condominium Residence – Conditional Overlay - Neighborhood Plan)** district zoning. The conditional overlay would prohibit the construction of any structures within the back 50' of the property line.
- 2.) The staff recommendation is to **DENY** the requested change on the Future Land Use Map (FLUM) from Single-Family to Multifamily. Staff recommends a future land use designation of **Higher-Density Single-Family**.

PLANNING COMMISSION RECOMMENDATION: On December 9, 2008, the Planning Commission approved staff's recommendation of higher-density single-family for the Neighborhood Plan Amendment; approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Perla Cavazos resigned prior to this hearing.

On December 9, 2008 Planning Commission approved staff's recommendation of SF-6-CO-NP district zoning with conditions of:

- 25' setback on rear with vegetation;
- 2-story height limit or 35-feet;

The motion was approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Commissioner Perla Cavazos resigned from the Commission prior to this hearing.

DEPARTMENT COMMENTS: The East Riverside - Oltorf Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on November 11, 2006. The boundaries of the planning area are: IH-35 to the west, the Colorado River to the north, Grove Boulevard and Montopolis Drive to the east, and Highway 71 (Ben White Boulevard) to the south.

The subject tracts located at 1406, 1408, 1504, and 1506 Parker Lane are each currently occupied by one single-family structure; together, the lots total 0.957 acres. As part of the East Riverside - Oltorf neighborhood planning process, the subject tract was zoned SF-3-NP. The applicant is requesting the plan amendment to change the future land use designation in order to allow the future construction of approximately 18 condominium units. The applicant plans to demolish the existing structures located on the site.

EXISTING ZONING AND LAND USES:

	FLUM	ZONING	LAND USES
<i>Site</i>	Single-Family	SF-3-NP	Single Family Homes
<i>North</i>	Higher-Density Single-Family	MF-2-CO-NP (CO – restricts property to a maximum of 12 units total).	Townhomes/Condos
<i>South</i>	Higher Density Single-Family	MF-2-NP	Townhomes
<i>East</i>	None	MF-3-NP	Apartments
<i>West</i>	Single-Family	SF-3-NP	Single Family Homes

NEIGHBORHOOD PLAN: The property lies within the East Riverside - Oltorf Combined Neighborhood Plan adopted November 16, 2006.

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

Southeast Coalition
Barton Springs/ Edwards Aquifer Conservation Dist.
Home Builders Association of Greater Austin
Southeast Austin Neighborhood Alliance
Southeast Austin Trails & Greenbelt Alliance
South River City Citizens Assn.
East Riverside/Oltorf & Montopolis Neighborhood Planning Team-COA Liason
Austin Neighborhoods Council

South Central Coalition
Homeless Neighborhood Organization
Austin Parks Foundation
PODER People Organized in Defense of Earth & Her Resources
East Riverside / Oltorf Neighborhood Plan Contact

SCHOOLS: (AISD)

Sanchez Elementary School

Martin Middle School

Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0077 1400 – 1404 Parker Lane	From SF-3 to MF-3	8/12/2003 ZAP APVD MF-2 W/SF-6 DEV REGS (5-4, CJ/JC/JG/JD-NO)	10/9/2003 Council APVD MF-2-CO (7-0); 2ND/3RD RDG
C14-06-0188 1406 – 1506 Parker Lane (Subject Tract)	From SF-3 to MF-4	2/13/2007 PC approved staff's recommendation to deny MF-4 zoning (9-0)	6/21/2007 Withdrawn by applicant

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Parker Lane	68'	41'	Collector	No	27, PB (UT shuttle)	(Yes) Priority 1

PUBLIC MEETINGS: A neighborhood meeting regarding this case was held on Wednesday, September 3, 2008, at the Ruiz Branch of the Austin Public Library. Notices for the meeting were sent to the East Riverside - Oltorf Combined Neighborhood Planning Contact Team, area neighborhood associations, and to property owners and/or renters located within 500 feet of the subject tracts. Attached to this report are the notes from this neighborhood meeting.

CITY COUNCIL DATE: February 12, 2009

ACTION:

ORDINANCE READING: 1st 2nd 3rd

ORDINANCE NUMBER:

NEIGHBORHOOD PLANNING CASE MANAGER: Jacob Browning

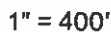
PHONE: 974-7657

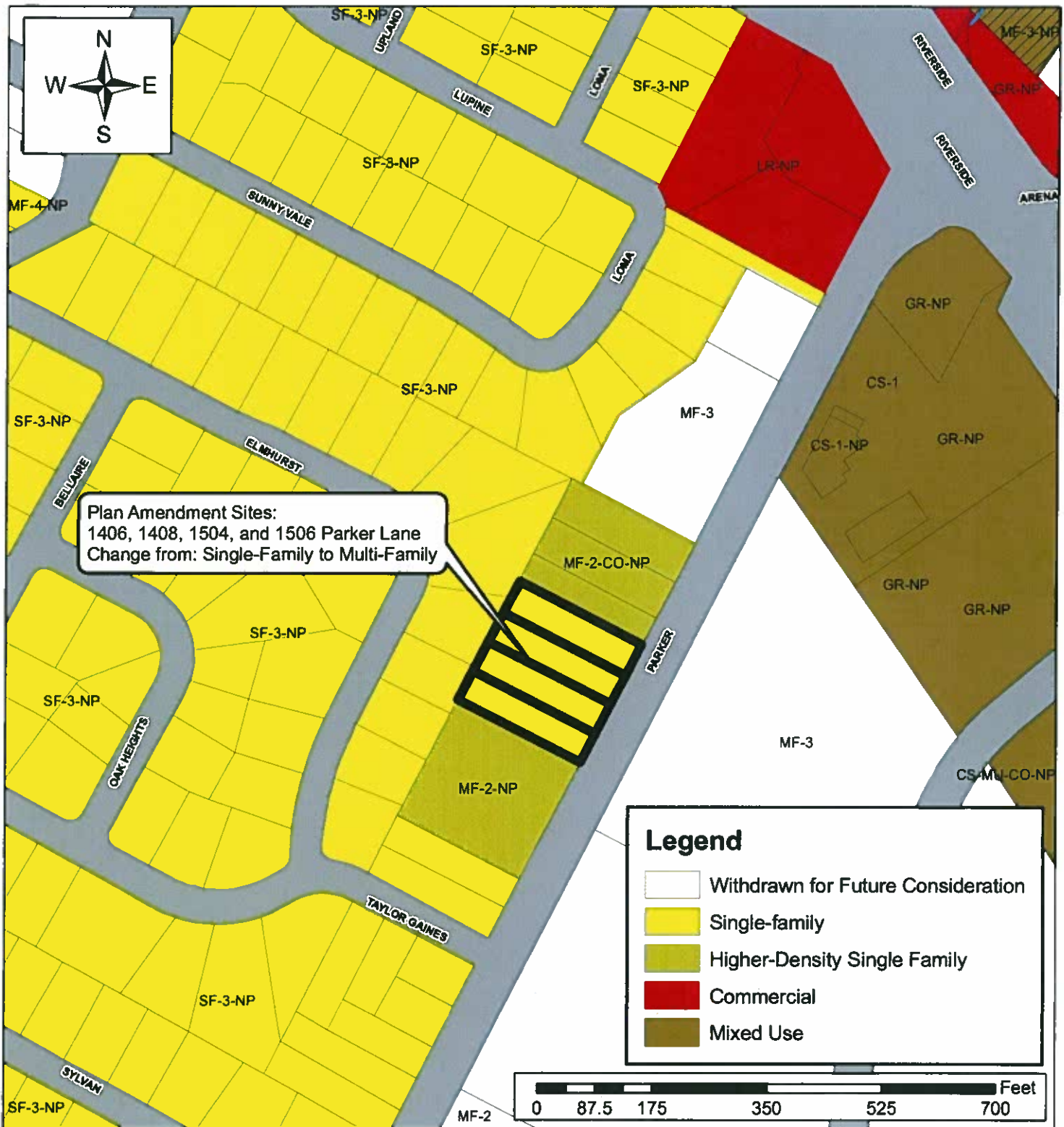
Email: jacob.browning@ci.austin.tx.us

ZONING CASE MANAGER: Joi Harden

PHONE: 974-2122

Email: joi.harden@ci.austin.tx.us





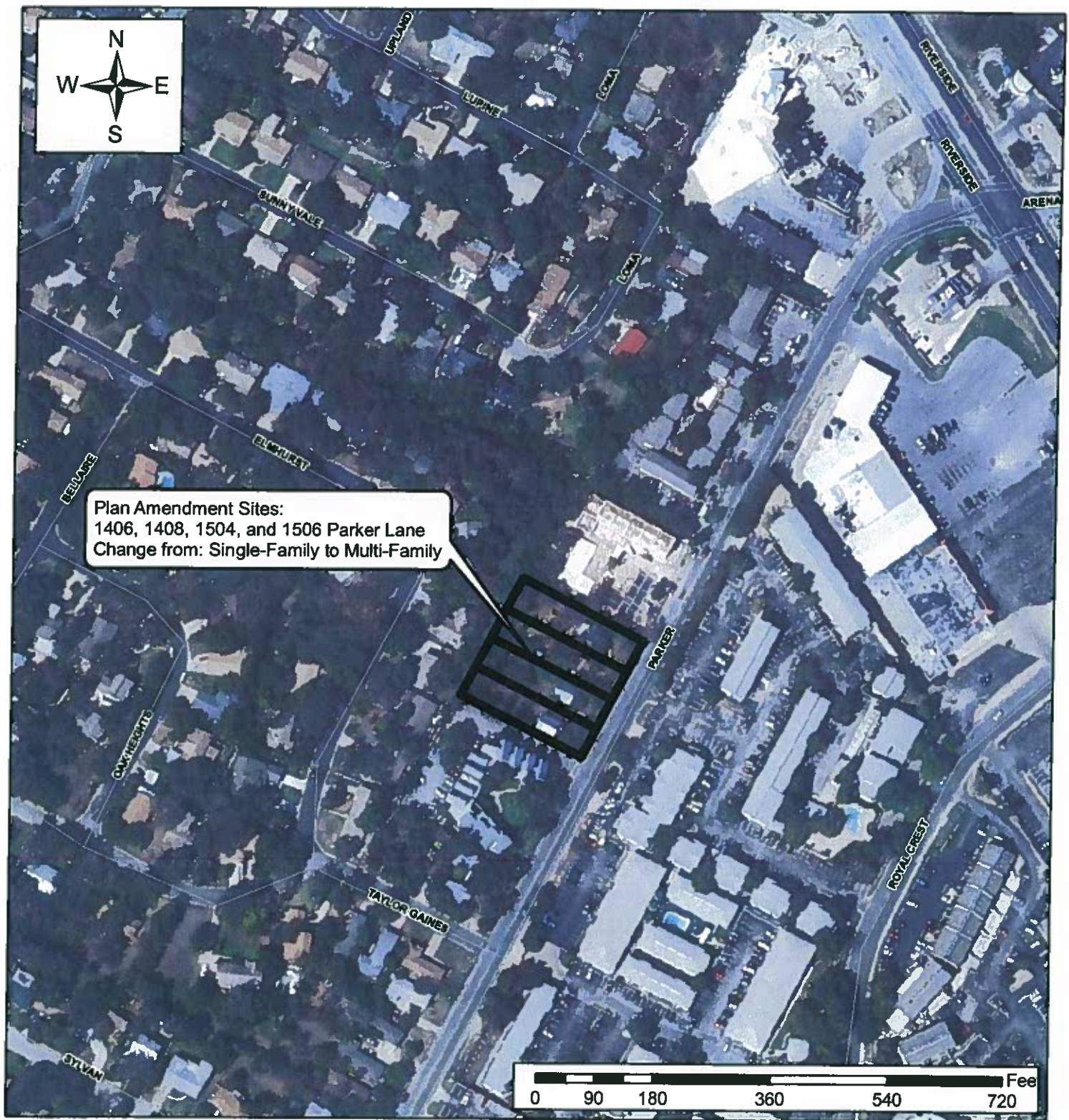
East Riverside-Oltorf Combined Neighborhood Plan Amendment

NPA-2008-0021.01

This map has been produced by the City of Austin Neighborhood Planning and Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy and completeness. A comprehensive plan shall not constitute zoning regulations or establish zoning



City of Austin
Neighborhood Planning and Zoning Department



East Riverside-Oltorf Combined Neighborhood Plan Amendment

NPA-2008-0021.01

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City of Austin
Neighborhood Planning and Zoning Department

STAFF RECOMMENDATION:

- 1.) The staff recommendation is to **DENY** the requested zoning change of MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) district zoning from SF-3-NP (Family Residence – Neighborhood Plan) district zoning. Staff recommends **SF-6-CO-NP (Townhouse and Condominium Residence – Conditional Overlay - Neighborhood Plan)** district zoning. The conditional overlay would prohibit the construction of any structures within the back 50' of the property line.
- 2.) The staff recommendation is to **DENY** the requested change on the Future Land Use Map (FLUM) from Single-Family to Multifamily. Staff recommends a future land use designation of **Higher-Density Single-Family**.

BASIS FOR RECOMMENDATION: The requested amendment is not consistent with the Future Land Use Map or the goals and objectives found in the East Riverside - Oltorf Combined Neighborhood Plan.

ANALYSIS: The East Riverside - Oltorf Neighborhood's Future Land Use Map recommends *Single-Family* for the portion of Parker Lane on which the applicant's properties are located.

Staff Comments: The proposed change from Single-Family to Multifamily along this portion of Parker Lane is in conflict with the East Riverside - Oltorf Combined Neighborhood Plan. The Higher-Density Single-Family future land use designation will be consistent with that of those properties directly adjacent to the north and south of the subject tracts.

Throughout the planning process, an Advisory Committee developed certain planning principles that are to be considered "when evaluating development proposals" (p. 26). One such principle is to: "Preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer" (p. 27).

Staff Comments: Although a buffer is not entirely present for the portion of Parker Lane upon which the subject properties are located, protection of the single-family nature of the adjacent neighborhood is important. The Higher-Density Single-Family land use designation will provide more protection of the adjacent single-family neighborhood's assets and character than the Multifamily land designation will allow. For the developer, Higher-Density Single-Family will provide less restrictive development standards than the current land use designation of Single-Family.

With Goal 1 of the East Riverside - Oltorf Combined Neighborhood Plan, stakeholders wish to: "Preserve and enhance the character of existing residential neighborhoods." And, Recommendation 1 under this goal mandates the retention ". . . of single family uses in established single family neighborhoods" (p. 28).

Staff Comments: The area on the western side of Parker Lane (and abutting the rear of the subject tracts) is a well-established, single-family neighborhood. The planned development of the four Parker Lane properties will not retain the single-family character of this area of the East Riverside - Oltorf Neighborhood.

During the process, neighborhood stakeholders expressed an intent “. . . to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Neighborhood Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance” (p. 70).

Staff Comments: The Neighborhood Plan states an overabundance of rental units within this portion of the City; and, while the proposed development may offer a different type of “housing opportunity” and “home ownership opportunities” in this portion of EROC, there is no guarantee that this project will remain an owner-occupied one.

To preserve the single-family nature of the nearby neighborhood and to promote a more diverse range of housing options (i.e., development opportunities) within the East Riverside - Oltorf Combined Neighborhood, staff recommends that a future land use designation of Higher-Density Single-Family will assist in meeting these needs.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

1. Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to neighborhood character.

The townhouse and condominium residence (SF-6) zoning district is compatible with the MF-2-CO zoning adjacent to the north (the CO restricts the property to 12 residential units) and the family residence (SF-3) district zoning adjacent to the west. The staff's recommendation of SF-6 is unlikely to result in detrimental impacts to the neighborhood character because the area already supports low to moderate multifamily uses as well as many duplex developments. In addition, there are many neighborhood and community commercial services in close proximity to support additional density in the area.

The conditional overlay recommended by staff restricts construction within the back 50' of the property line. The conditional overlay takes into consideration the difference in elevation between the subject tract and the adjacent single-family properties to the west.

2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The SF-6 zoning would provide as a transition of zoning district intensity and uses between the MF-3 and SF-3 district zoning and uses to the east and to the west of the subject tract.

3. The proposed zoning should be consistent with the purpose statement of the district sought.

The purpose statement for the SF-6 zoning district states, “ *townhouse and condominium residence district (SF-6) district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use. SF-6 is appropriate in selected areas where a transition for single-family to multifamily use is appropriate.*”

The subject tract is nearby an established single family neighborhood and nearby existing low to moderate density multifamily development. The property is also in the desired

development zone and in the central city, areas where a reasonable increase in density is desirable.

Site Characteristics

The site is developed with single family residences with light naturally occurring vegetation. The lots slope downward from front to rear.

Impervious Cover

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. The maximum impervious cover allowed by the SF-6 zoning district would be 55%. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover regulation applies.

Transportation

No additional right-of-way is needed for Parker Lane at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands. An aerial interpretation, and subsequent on-site inspection did confirm the presence of numerous large Class I trees that may be impacted by this proposed re-zoning.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan

Please be aware that development within 540 feet of property zoned or used as single family or duplex property is subject to compliance with compatibility restrictions, including setbacks, height limitations, screening and lighting limits.

PETITION

Case Number:

C14-2008-0162

Date:

Dec. 10, 2008

1406, 1408, 1504 & 1508 PARKER LANE

Total Area Within 200' of Subject Tract

289,503.01

1	0303050347	IGNATOWSKI ROBERT & J NOEL KVALE	675.547388	0.23%
2	0303050348	KEATING DOUGLAS	10377.83	3.58%
3	0303050350	BOHLS RICHARD A TERRANELLA MARK	11503.07	3.97%
4	0303050351	TRUSTEE OF THE SMUCK PAULA K & DAVID BRUCE	13633.08	4.71%
5	0303050352	WOODCOCK JIM F	22992.35	7.94%
6	0303051004	ARCHER JEFFREY W	9242.08	3.19%
7	0303051005		5854.77	2.02%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
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23				0.00%
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25				0.00%
26				0.00%
27				0.00%

Validated By:

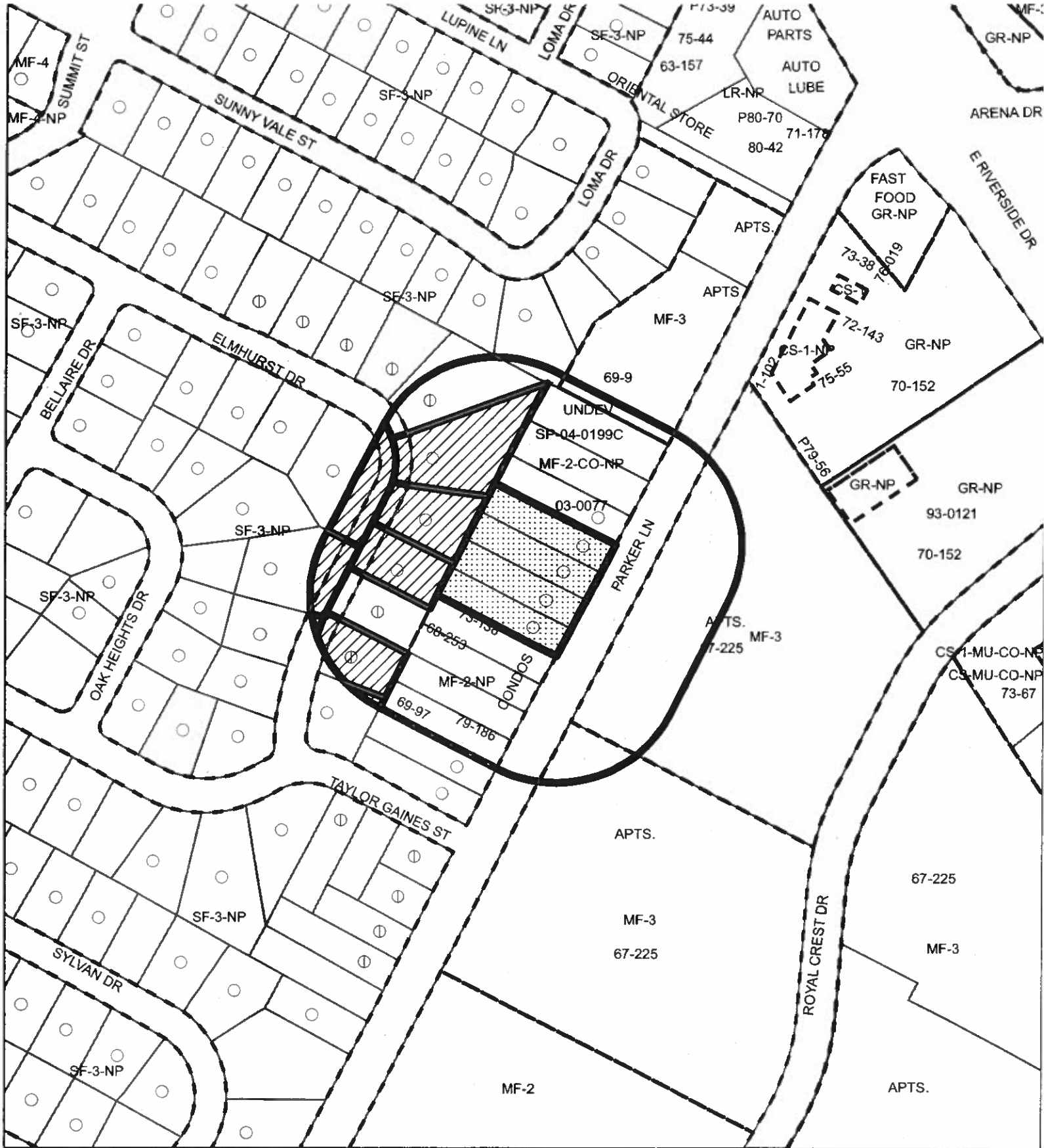
Stacy Meeks

Total Area of Petitioner:




74,278.73

Total %

25.66%



1" = 200'

-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

OPERATOR: S. MEEKS

PETITION

CASE#: C14-2008-0162
 ADDRESS: 1406, 1408, 1504 & 1508 PARKER LANE
 GRID: J20
 CASE MANAGER: J. HARDEN

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East Riverside - Oltorf Combined Neighborhood Planning Area
Neighborhood Plan Amendment Meeting Notes, NPA-2008.0021.01
Wednesday, September 3, 2008, 6:30 pm to 7:30 pm
Ruiz Branch Library

The neighborhood plan amendment meeting began at 6:30 p.m. at the Ruiz Branch Library with twenty-one people in attendance, including Jacob Browning of the Neighborhood Planning and Zoning Department; Mr. Ryan Diepenbrock, the applicant and owner of the properties seeking the plan amendment; and several members of the neighborhood plan contact team. A large future land use map and pictures of the subject properties were displayed while an agenda, a smaller future land use map, and recommendation excerpts from the East Riverside-Oltorf Combined Neighborhood Plan were available to all attendees.

Mr. Browning began the meeting by welcoming all attendees and by stating that the purpose of the night's meeting was to discuss the proposed plan amendment to change the future land use designation of the applicant's properties at 1406, 1408, 1504, and 1506 Parker Lane from single-family to multi-family. To do so, Mr. Browning explained, an amendment to the future land use map of the East Riverside-Oltorf Plan is needed so to allow the construction of condominium units on the subject properties. He informed the attendees that a zoning application had also been filed with the City; for further information, he also included information on the agenda regarding potential zoning classifications and their development standards.

As Mr. Browning was presenting recommendations of the neighborhood plan, a meeting attendee expressed her concern regarding the exclusion of a particular passage of the paragraph presented. She read the entire passage, mentioning that EROC has an overabundance of multi-family housing. Mr. Browning assured her that it was not excluded in order to sway future decisions in favor of the applicant, but only to mention the plan's goals of increased owner-occupation within the area.

Mr. Browning, then, introduced Mr. Ryan Diepenbrock to discuss his future plans for his properties.

Mr. Diepenbrock began his discussion by mentioning his wishes to improve the area in which his properties are located. The single-family structures currently on these properties are severely dilapidated and, in recent years, have been home to criminals. He expressed his intention to not repeat the mistakes made on the adjacent property (newly-constructed, townhome-like structures) although that property is the beginning of the progress that could be made in the area. Mr. Diepenbrock ensured meeting attendees that his condo project would be a well-maintained one.

Mr. Diepenbrock provided all attendees with a packet of information regarding his project's specifications. He plans to build 18 to 19 units that target the young professional population that cannot afford downtown housing; the condos will be one-, two-, and three-bedroom units. Mr. Diepenbrock explained that he seeks the land use

(and zoning) change to provide as many units as possible to this sector of the population. If the zoning is kept at SF-3, he said, he could only build 11 to 12 units on the properties. If the FLUM and zoning changes are granted, Mr. Diepenbrock stated that his project would not be as tall as anything built in a zoning district that is not SF (i.e., MF). He said that he owns this property and wants to find the best use for it.

Discussion Items and Questions

An attendee asked why Mr. Diepenbrock was seeking MF-3. Mr. Diepenbrock responded by saying that MF-3 would allow him to spread the units out on the properties and keep their height down. Clarification was needed regarding the spreading out of the condo units; Mr. Diepenbrock said that the impervious coverage allowed under MF-3 (65%) provides for this option. Mr. Diepenbrock continued with a discussion of the placement of a detention pond as part of the proposed project. The pond is needed to mitigate runoff onto adjacent properties (especially those abutting the back of the subject properties). However, a variance will be needed to determine the exact location of the detention pond; the location of the pond invokes compatibility.

Mr. Diepenbrock stated that the zoning on the adjacent properties (MF-2-CO) is really what he needs to get his project rolling. The density allowed there is similar to what he is seeking to provide on his properties. He continued to say that developing single-family residences would not be financially feasible.

Included in Mr. Diepenbrock's packet was a zoning map denoting the zoning categories for all properties within the vicinity of his own. Pointing to this map, he said that during the planning process, his properties had been skipped over in regards to rezoning changes as allowed by the process.

Discussion, then, returned to the detention pond that will be located on the project site. Mr. Diepenbrock said that he envisions the pond being landscaped and winding through the back of the site. He also mentioned that there is no intention to demolish the mature trees along the backside of the properties. An attendee asked about the intended rear setbacks for the project; Mr. Diepenbrock said that the planned rear setback will be between 30 and 47 feet. Another attendee needed clarification regarding the type of trees currently present along the backside of the site; elm trees are present, Mr. Diepenbrock stated.

Regarding Mr. Diepenbrock's statement of "being skipped over," a meeting attendee mentioned that participants in the planning process chose SF-3 for his properties. She also pointed out that Parker Lane is a predominantly single-family thoroughfare. She continues: the previous owners of these properties had the chance to become involved in the process and to provide feedback regarding the zoning decisions made there. She also said that property owners are at fault for the degradation of their property.

Mr. Diepenbrock responded by saying that his properties had three different owners during the planning process and that they had not been involved in that process. In response, an attendee asked whether or not Mr. Diepenbrock realized that his properties

were zoned SF-3 when he bought them. He replied that he did realize the zoning, but that the zoning is incongruent with what he sees as the best option for the properties (i.e., condos).

A stakeholder mentioned the following planning principle as provided by Mr. Browning: "Preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer." He stated that the planned project is a higher-intensity use that furthers the encroachment of such development into EROC neighborhoods. Mr. Diepenbrock's four properties, he said, are the buffer between the traditional (single-family) neighborhoods and their multi-family counterparts and should remain that way.

A meeting attendee said that if you travel down Parker Lane, it is almost entirely single-family residences.

Another attendee mentioned that the owners of property located along Taylor Gaines Street want to redevelop that property and are waiting to see the outcome of this (Mr. Diepenbrock's) project.

Mr. Diepenbrock mentioned that drainage is being addressed in his project's plans and that he wants to find a solution for his properties that will work financially. A meeting attendee asked why Mr. Diepenbrock is not satisfied with keeping the zoning SF-3 if he could potentially build 11 to 12 units under that classification.

Mr. Diepenbrock was asked if market research had been done to determine if his units would actually serve the community. In fact, the research had been done. A meeting attendee said that no one wants to buy apartments that have been turned into condos; they want to buy single-family homes. Mr. Diepenbrock responded by saying that he has looked at affordable price points to offer his condos to those individuals that would not be able to afford housing in other centrally located areas of the city. He pointed to the new project next to his properties as having poor price points; they have been built, but aren't selling because they have high price points.

Concerns were also raised regarding the potential renting of the proposed units. An attendee mentioned that if ownership of these units is not guaranteed, then the neighborhood plan's initiatives would be wiped out. Mr. Diepenbrock said that his business plan was not to own and rent the units out.

Someone mentioned that Mr. Diepenbrock's case was heard last year and the powers-that-be (i.e., Planning Commission) supported the neighborhood plan.

Clarification was needed regarding the 65% impervious coverage (as allowed under MF-3 zoning) and the provision of parking and trash collection. Mr. Diepenbrock said that two parking spaces would be provided for each unit and a pad would be poured for the placement of trash bins. Mr. Diepenbrock did not know where this trash pad would be located on the site.

Mr. Diepenbrock said that all units would be two stories. He also offered performance patterns of similar developments he has done in other parts of the city. Two of five units within a project located at 30th and Speedway have been sold before the project has been completed.

Discussion once again returned to the detention pond and its construction. Mr. Diepenbrock said that the pond would be similar to another being planned at a similar project site; some concrete would be used in its construction with natural sediments shaved into the ground. He envisions the pond to become a natural feature of the property.

A meeting attendee mentioned two concerns she had regarding the proposed project: drainage and setbacks.

No one spoke in favor of the proposed change to the future land use map. The meeting adjourned at 7:25 p.m.

Browning, Jacob

From: Gayle Goff [gayle.goff@gmail.com]
Sent: Friday, September 26, 2008 10:46 AM
To: Guernsey, Greg; Harden, Joi; Browning, Jacob
Cc: Carl Braun; Dawn Cizmar; Barb Fox; Toni House; Toni House; Krebs, Fred; Linda@SallingCPA.com; Jean Mather; May, Mike; Linda Watkins; Wayne Gronquist; Malcolm Yeatts; jlong91@austin.rr.com
Subject: 1406-1506 Parker Lane-C14-2008-0162 & NPA-2008-0021.01

September 23, 2008

Re: C14-2008-0162 and NPA-2008-0021.01
1406-1506 Parker Lane
E Riverside Oltorf Combined (EROC) NPA

To: COA Neighborhood Planning & Zoning Dept.
Greg Guernsey, Joi Harden, Jacob Browning

After considering applicant's proposal, the 14 members of the EROC NPCT have voted unanimously as follows, in accordance with the NPCT Bylaws:

the EROC NPCT does NOT support the zoning change request for 1406-1506 Parker Lane and recommends denial of the requested plan amendment in the above-noted cases.

The reasons for this decision:

1. The proposed zoning change conflicts with the Neighborhood Plan and with the Future Land Use Map designation for these lots.
 - EROC NP (p. 27): A foremost planning principle is to "preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer." These single-family homes ARE the edge of a traditional neighborhood.
 - EROC NP (p. 27) designates many specific locations as opportunities for re-development in the area. These properties are not listed.
 - The EROC NPA is already dominated by multi-family development, with more than an additional 2500 units becoming available in the next few years. Applicant's proposal only increases the overabundance of this land use. The plan for the area clearly states that the "area is unique in comparison to many parts of the city in that it has a dominance of multifamily development, primarily in the form of apartments. An

overabundance of multifamily housing has resulted in problems related to traffic congestion, a high crime rate and inadequate infrastructure, and does not promote home ownership. Neighborhood Planning participants want to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance." (EROC NP, p.70)

- Throughout the planning process, staff and stakeholders agreed that these properties should retain single-family residential classification.

2. The EROC NP (Goal 2, p. 30) stresses the need for increasing home-ownership opportunities. Re-development with current zoning meets this need. Sales statistics in the area confirm the need for single-family and single-family attached homes. Eight units can be built on these four lots with the existing zoning. Current zoning provides ample financial opportunity for the applicant.

3. The subject lots are located on the west side of Parker Ln., which is predominantly single-family and is the outside edge of Areas 6 and 7 of the SRCC Neighborhood Association. This single-family neighborhood has been a part of SRCC since its creation in 1972. The sole exception to single-family development south of Applicant's property all the way to Windoak is the condo development on Applicant's southern property line. In fact, from that property south all the way to Windoak, the west side of Parker Lane consists of 27 lots, 25 of which are single-family homes and two are duplexes.

We appreciate your consideration of our vote and the reasons therefor. Please include this letter as part of the back-up package for these cases.

Respectfully,

Gayle Goff
Chair, EROC NPCT

Browning, Jacob

From: Toni House [thouse@phonelaw.com]
Sent: Tuesday, November 18, 2008 1:19 PM
To: Browning, Jacob
Cc: Harden, Joi; sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; saundra_kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com
Subject: 11/25/08 Agenda - 1406-1506 Parker Lane-C14-2008-0162 & NPA-2008-0021.01

Hi, Jacob - As discussed yesterday, I have pasted in below copies of the Resolution of the South River City Citizens Neighborhood Association opposing the proposed upzoning and neighborhood plan amendment referenced above. For your convenience, I have also pasted in the notification from the Chair of the E. Riverside/Oltorf Combined Neighborhood Planning Contact Team that the NPCT voted to oppose the proposed neighborhood plan amendment and upzoning of these properties. Please make these documents part of the record. Thank you.

Toni House, Secretary
EROC NPCT
Office: 225-0016

**RESOLUTION OPPOSING EROC NEIGHBORHOOD PLAN AMENDMENT
AND RE-ZONINGS OF 1406 – 1506 PARKER LANE PROPERTIES**

South River City Citizens Neighborhood Association (SRCC) supports the E. Riverside/Oltorf Combined (EROC) Neighborhood Planning Contact Team and the affected property owners in their opposition to a proposed Neighborhood Plan Amendment (NPA-2008-0021.01) and Application for Rezoning (Case No. C14-2008-0162) that would up-zone properties on SRCC's eastern boundary from single-family (SF-3) to multi-family (MF-3) for the following reasons:

- The proposed zoning change conflicts with the EROC Neighborhood Plan and with the Future Land Use Map designation for these lots.
- The Riverside Neighborhood Planning Area is over-burdened with multi-family development – more than 85% of the land use is multi-family, with an additional 2,500 units approved and currently under construction or in the planning stages.
- Due to the imbalance in land use, Goal 2 of the EROC Neighborhood Plan stresses the need for increasing home-ownership opportunities. Re-development under the current zoning meets this need – multi-family zoning does not.
- The subject lots are located on the west side of Parker Ln., which is predominantly single-family and is the outside edge of Areas 6 and 7 of SRCC territory.

APPROVED October 6, 2008:
South River City Citizens Neighborhood Assn.

By: /s/ Jean Mather
Jean Mather, President

September 23, 2008

Re: C14-2008-0162 and NPA-2008-0021.01
1406-1506 Parker Lane
E Riverside Oltorf Combined (EROC) NPA

11/18/2008

To: COA Neighborhood Planning & Zoning Dept.
Greg Guernsey, Joi Harden, Jacob Browning

After considering applicant's proposal, the 14 members of the EROC NPCT have voted unanimously as follows, in accordance with the NPCT Bylaws:

the EROC NPCT does NOT support the zoning change request for 1406-1506 Parker Lane and recommends denial of the requested plan amendment in the above-noted cases.

The reasons for this decision:

1. The proposed zoning change conflicts with the Neighborhood Plan and with the Future Land Use Map designation for these lots.

- EROC NP (p. 27): A foremost planning principle is to "preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer." These single-family homes ARE the edge of a traditional neighborhood.
- EROC NP (p. 27) designates many specific locations as opportunities for re-development in the area. These properties are not listed.
- The EROC NPA is already dominated by multi-family development, with more than an additional 2500 units becoming available in the next few years. Applicant's proposal only increases the overabundance of this land use. The plan for the area clearly states that the "area is unique in comparison to many parts of the city in that it has a dominance of multifamily development, primarily in the form of apartments. An overabundance of multifamily housing has resulted in problems related to traffic congestion, a high crime rate and inadequate infrastructure, and does not promote home ownership. Neighborhood Planning participants want to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance." (EROC NP, p.70)
- Throughout the planning process, staff and stakeholders agreed that these properties should retain single-family residential classification.

2. The EROC NP (Goal 2, p. 30) stresses the need for increasing home-ownership opportunities. Re-development with current zoning meets this need. Sales statistics in the area confirm the need for single-family and single-family attached homes. Eight units can be built on these four lots with the existing zoning. Current zoning provides ample financial opportunity for the applicant.

3. The subject lots are located on the west side of Parker Ln., which is predominantly single-family and is the outside edge of Areas 6 and 7 of the SRCC Neighborhood Association. This single-family neighborhood has been a part of SRCC since its creation in 1972. The sole exception to single-family development south of Applicant's property all the way to Windoak is the condo development on Applicant's southern property line. In fact, from that property south all the way to Windoak, the west side of Parker Lane consists of 27 lots, 25 of which are single-family homes and two are duplexes.

We appreciate your consideration of our vote and the reasons therefor. Please include this letter as part of the back-up package for these cases.

Respectfully,

Gayle Goff
Chair, EROC NPCT

Harden, Joi

From: lucymark@austin.rr.com
Sent: Wednesday, November 19, 2008 2:48 PM
To: sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; Saundra_Kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com
Cc: Harden, Joi; Browning, Jacob
Subject: HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.1) REZONING 1406-1506 PARKER LANE
Attachments: IMG_1287_1_6.JPG; IMG_1288_2_6.JPG; IMG_1289_3_6.JPG

Dear Planning Commission Member:

Please be advised that our property abuts the Parker Ln. lots on their west border. Our hearing is currently scheduled for 11/25/08 and we will be unable to attend this meeting. We are asking for a rescheduling to the 12/9/08 Planning Commission meeting.

As home owners in the East Riverside area since 1983 (at 1702 Elmhurst Dr.), we oppose the rezoning of 1406-1506 Parker Ln. to MF-3 from SF-3. We resent the idea of furthering the infiltration of multi-family units into our single family unit subdivision. Parker Ln. effectively serves as a physical border from commercial and multi-family development. That physical border, however, does not completely protect our subdivision from the 24 hour noise pollution and other effects of the "apartment city" that is our neighbor to the east.

Furthering the population density in our apartment-laden section of town will not enhance the quality of life in our subdivision. We no longer have the infra-structure to support the traffic and other problems caused by the already dense population here.

This area of town has significant soil and drainage problems, which will be exacerbated by more impervious cover if additional multi-family units are built. Shortly after moving into our home in 1983, we began to experience drainage problems caused by the Parker Square Condominiums located on the south border of the proposed rezoning area, which is on Parker Ln. We and our neighbors fear more problems will develop with any new MFUs developed on Parker Ln.. We have been frustrated in our efforts to get help from the city with our drainage problems and have received absolutely no assistance. We fear that with more development, we'll be left to deal with any resultant problems on our own. We have attached pictures of the drainage problems that we experienced on 1/13/07 during the last heavy rains.

In order to protect our houses from flooding, we and our neighbors have spent literally thousands of dollars correcting the water flow coming from the condo parking lot. We have been flooded on multiple occasions. We have attempted to elicit help from the city to require the condos to make their deteriorating parking lot conform to the original design the city approved when it was constructed. We have had city engineers view the huge crack in the retaining wall of the of the condo's parking lot from our backyard. This crack funnels water down hill (see picture IMG 1289) toward our home and our neighbors' homes. We have been told on multiple occasions by these city representatives that the only recourse we have is to sue the condo owners. We're told that once the building inspection is completed, the city can't require the property owner to continue to comply with the original city-approved design (???). We have yet to understand the logic of this position. It seems to us that the city protects the developer's interest and leaves the property owners to fend for themselves.

Additional drainage problems also exist in our neighborhood due to an apartment complex already located on the lots adjacent to the north side of lots proposed for change. Heavy rains overload a culvert located at a low point on the south side of these apartments and flood the front and back yards of two of our Elmhurst Dr. neighbors south of our lot. Because this culvert was designed to carry the run off water present at the time our subdivision was developed over 40 years ago, we fear the flooding that will happen if an addition apartment complex feeds this culvert with runoff water. The flooding depicted in the attached IMGs 1287 & 1288 shows the current flooding problem we are having when we experience a significant rain storm.

11/19/2008

If the city needs more MF-3 zoning, we property owners and tax payers don't believe that this is the right location for this type of development. We fear that "over development" in our area will result in the ghetto type conditions that existed in our area after the real estate bust of the mid-eighties. At that time, many apartment complexes were left empty, in major disrepair, and they attracted criminal activity to the area.

We want to keep our primarily single family unit subdivision intact, and are working with our neighborhood association to enhance the quality of life in our area of Austin. Please help us by voting against the proposed zoning change.

Sincerely,

Mark Terranella and Lucy Petrucelli (Austin home owners/tax-payers since 1976)
1702 Elmhurst Dr.
Austin, TX. 78741

442-4947

ADDENDUM: FURTHER EXPLANATION OF ATTACHED PICTURES - The pictures show the drainage problem that occurred on Sat., 1/13/07, when we had a heavy rain. The development of the lots on Parker Ln. involved in the current rezoning request are going to add to the volume of runoff water handled by this already problematic drainage system, which is shown in the pictures. The pictures are taken from my yard at 1702 Elmhurst showing the street flooding (IMG1287) in front of 1701 as well as 1700 Elmhurst (Paula and David Smuck's home - IMG 1288 & 1286) due to the runoff overwhelming the storm sewers in front of the two houses.

Also, there is a shot of the overflowing parking lot of the Parker Square condo's behind 1704 Elmhurst (IMG1289). This parking lot runoff uses the same drainage system as the Elmhurst storm sewers in front of the 1701 & 1700 houses. The drainage system is obviously being overwhelmed when we need it most - in a down pour! New development on Parker Ln. will mean more impervious cover feeding drainage water into this drain system, which is in desperate need of upgrading.

Pictures from:
Mark Terranella
1702 Elmhurst Drive

His property abuts the backside of the Parker Lane properties owned by Ryan Diepenbrock. These pictures show the severe runoff from the Parker Lane properties onto the abutting properties.





Harden, Joi

From: lucymark@austin.rr.com
Sent: Wednesday, November 19, 2008 4:19 PM
To: sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; Saundra_Kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com
Cc: Browning, Jacob; Harden, Joi
Subject: Further HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.1) REZONING 1406-1506 PARKER LANE

Re: HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.01) REZONING 1406-1506 PARKER LANE

Dear Planning Commission Member:

Please consider this email as further support of our position opposing any rezoning of 1406-1506 Parker Ln. until adequate infrastructure exists to support new development, especially in the affected watershed area.

Please consider the results of our attempts to have the current drainage problems addressed by the City of Austin. On 2/1/07 the Watershed Protection (WP) Department of the City was asked to assess the cause of the recent flooding of our storm sewers. After investigating the cause of our drainage problems, we have been advised that the current system of storm sewers and other drainage serving the Elmhurst Dr. and Parker Ln. watershed is inadequate to handle the runoff from a significant rain storm. We are told that the solution to our drainage problems is too large and expensive a project for WP to fix without CIP (capital improvement project) funding. We have been added to a list of CIP projects that WP maintains while awaiting funding to correct various drainage problem in neighborhoods around Austin.

John Beachy of the Watershed Engineering Division was our contact at WP. He reviewed the first email that I sent to the Planning Commissioners (dated 11/19/08) with pictures of our 1/13/07 flooding and reported that our assessment of our drainage problem and its causes were consistent his division's assessment, i.e., there is too much runoff water in a downpour for the current drainage system to handle. We were advised that there is no CIP money available now or in the foreseeable future to correct our drainage problems. We were also advised that we home owners need to do whatever it takes to protect our properties from flooding, including digging drainage ditches and putting up barriers to redirect the runoff water. We were told that, because we had presented pictures of runoff waters rising above curb level, our situation was a priority concern for WP. However, we did not receive any estimate of when our drainage problem will be corrected. And finally, we were told that WP could not determine exactly where the flooding runoff waters from Elmhurst Dr. and the Parker Ln. lots went, other than to the low area at the base of the hill. WP's storm sewer maps do not show a drain at the base of the hill that would allow the runoff water into the storm sewer system.

From our perspective as home owners, additional development in the affected watershed area must include addressing the existing flooding problems in order to be considered responsible growth. Most of the home owners in the affected area of Elmhurst Dr. have lived here well over 20 years, and we have considerable investments in our homes. We are aware that the recently approved segment of the City's Neighborhood Planning Map designates the involved Parker Ln. lots as SF-3 zoning in order to maintain a balance of zoning in this area. We are also fully aware of the City's interest in increasing the housing density in our inner city area and only ask that this be done responsibly to protect the interests of existing property owners' as well as those of developers and their investors. Our greatest fear is that inadequately planned development will cause our homes' property values to fall and lower the quality of life in our neighborhood.

Sincerely,

Mark Terranella and Lucy Petrucelli (Austin home owners/tax-payers since 1976)
 1702 Elmhurst Dr.
 Austin, TX. 78741

11/19/2008

Harden, Joi

From: lucymark@austin.rr.com
Sent: Wednesday, November 19, 2008 5:34 PM
To: sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; Saundra_Kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com
Cc: Harden, Joi; Browning, Jacob
Subject: Fw: History of Applicant Meetings Re: Parker Ln Rezoning - Case#C14-2008-0162

Dear Planning Commission Members:

As you may or may not be aware, this is the second application for rezoning of his Parker Ln. lots by the current applicant. In an effort to let you know that we want to and have cooperated with the process of considering the rezoning requests, I am writing you about the history of our meetings with the applicant (see detail below).

To summarize, during the first application, we (my wife and myself and the other Elmhurst neighbors whose properties abut the Parker Ln. lots) met with the applicant on numerous occasions (approx. 11 times) from 1/07 to 5/07 to try to reach a compromise position on his rezoning request. In spite of the City Council directing us to meet one final time in 5/07 to reach a compromise agreement involving a 12 unit development, we failed to obtain a compromise. The neighbors agreed to a 12 unit/SF6 (with a detailed restrictive covenant) development but the applicant remained steadfast on developing 18 to 21 units under MF4 zoning. He withdrew his first application in early 6/07 before we returned to report our impasse to City Council.

Regarding the second application, we (the same group of neighbors) meet with the applicant when he presented his current plan to develop 18 units using MF3 zoning to the Neighborhood Contact Team at the Neighborhood Plan Amendment Meeting on 9/03/08. He has made it clear to us that he needs at least 18 units to make the development profitable for his investors and will not compromise.

At this point, I think both the applicant's position on the rezoning request and our position are well known to each other. We would be willing to meet if some new ideas for a compromise were offered in writing from the applicant. Unless something changes, it seems that it is time for this case to be heard by the Planning Commission and then the City Council.

Sincerely,

Mark Terranella and Lucy Petrucelli (Austin home owners/tax-payers since 1976)
 1702 Elmhurst Dr.
 Austin, TX. 78741

442-4947

APPLICANT MEETINGS

Early January, 2007 - David and Paula Smuck (1700 Elmhurst Dr.) hosted a small meeting in their home for the applicant, Ryan Diepenbock, and his consultant, Sergio Lozano-Sanchez, to meet them and their most affected neighbors, Mark Terranella and Lucy Petrucelli. We discussed the applicants general plans for the development and concerns of the affected property owners.

Mid January, 2007 - Mark Terranella arranged a meeting for the applicant to meet Richard Bohls, 1704 Elmhurst Dr. In order to aid negotiations, the purpose of the meeting was for the applicant to see first hand

11/19/2008

how his lots interfaced with the Bohls and the Terranella properties. The applicant left the meeting saying that he would review the restrictive covenant provided when the property to the north of his lots were rezoned. He implied that he would consider similar legal restrictions for his development but made no commitments.

Late January, 2007 - Paula Smuck met with the applicant to present options for developing his lots and preserving green space. She is an experienced Property Appraiser and presented the applicant drawings of possible site plans. The applicant did not express interest in modifying his 18 to 21 unit development.

February 12, 2007 - After the applicant cancelled the 1/30/2007 Planning Comm. (PC) hearing stating that he had new ideas to discuss with the affected property owners, no contact was made by the applicant by Friday afternoon prior to the Tues. PC hearing. David Smuck contacted the applicant for a 2/12/07 meeting in his home with the applicant before the 2/13/2007 Planning Comm. Meeting. This was an effort by the neighbors to hear what new ideas for a compromise to MF4 zoning that the applicant had to offer. Essentially, no new ideas were presented that would result in a compromise.

February 13, 2007 - PC unanimously denied rezoning request. The applicant was advised that he should have reviewed the Neighborhood Planning Area Map before purchasing the property for development.

February 20, 2007 - The applicant met with interested neighbors on one of his lots to present an overview of his planned condo development. He presented a list of "Multifamily Conditional Overlays" for property owners to sign as "accepted". He listed 7 restrictions. Four of these would be required by MF zoning regulations and the other three were token offers that will not begin to offset the negative impact of such a large development. When it was pointed out that the developer on his north border provided a restrictive covenant to negotiate his zoning change, the applicant stated that he would not enter into a restrictive covenant to market his condos. Five home owners were present, as well as, two officers from the neighborhood association. No one signed the form to support the condo development. The applicant advised those present that he would then have to build duplexes and he was encouraged to do so by those present.

Early March, 2007 - The applicant contacted Mark Terranella for a meeting to further discuss his planned development. The applicant explained the need for his 18 to 21 unit development in terms of making his 30% profit margin for his investors. He said that he could make this profit by building the large complex and offsetting the overhead costs associated with an approved site plan and other MF zoning construction requirements. He said that a smaller condo development would not be feasible because he could not make the 30% profit for his investors. He again presented his "Multifamily Conditional Overlays" form for signature. He said that if he didn't get the MF4 zoning, his only recourse would be to build duplexes. At meeting's end the applicant was advised by Mr. Terranella that the development of duplexes would be welcomed. Duplexes are selling as condos in our area.

April 2, 2007 - The applicant presented his project to the South River City Neighborhood Assoc. at their monthly meeting. He described his planned project and presented his "Multifamily Conditional Overlays" form for signature.

April 5, 2007 - First City Council hearing postponed by applicant to allow for more negotiations with the neighbors. The City Council hearing was rescheduled for 5/17/07. As of 5/14/07 the neighbors have not heard from the applicant or his consultant.

We did go to Council (I believe on 5/17/07). We were directed to have a meeting to work out a compromise SF6 development plan we could all agree on. This meeting was hosted and mediated by the managers of the Neighborhood Planning and Zoning Comm. and our former case manager, Robert Hiel. We were unable to agree on a plan basically due Ryan not wanting to develop less than 18 to 21 units on the approx. one acre site. Shortly after the meeting, and a day or so before we were to return to Council in early June, 2007 without a compromise, Ryan withdrew his application.

At this point, I think both the applicant's position on the rezoning request and our position are well known to each other. We would be willing to meet if some new ideas for a compromise were offered. Unless something changes, it seems that it is time for this case to be heard by the Planning Comm. and the Council.

Harden, Joi

From: Woodcock, Jim [Jim.Woodcock@morgankeegan.com]
Sent: Thursday, November 20, 2008 8:29 AM
To: sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; saundra_kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com; Browning, Jacob; Harden, Joi
Cc: lucymark@austin.rr.com
Subject: My Position RE: Rezoning 1406-1506 Parker Ln.
Attachments: Woodcock, Jim.vcf

Dear Planning Commission and Case Managers,

Regarding Case Numbers C14-2008-0162 & NPA-2008-0021.01:

I support retaining the East Riverside/Oltorf Combined (ERO) Neighborhood Planning Area Map's SF3 designation for the four lots in question. I believe that the big picture concerns of the Neighborhood Planning Area were fully considered during the approximate three year planning effort that it took to complete this area map. The SF3 designation of these lots is appropriate for lots bordering our SF neighborhood. They provide green space and buffering from the commercial and multifamily zoning to the east.

I urge the Planning Commission to vote unanimously to deny the rezoning request and retain the SF3 zoning designation in our Neighborhood Planning Area Map.

My best,
Jim Woodcock

Jim Woodcock
Financial Advisor
Morgan Keegan and Company, Inc.
2801 Via Fortuna, Suite 650
Austin, Texas 78746
800-252-3230 Toll Free
512-306-2531 Direct
512-329-0004 Fax
jim.woodcock@morgankeegan.com

Morgan Keegan & Company Inc. DOES NOT ACCEPT ORDERS AND/OR INSTRUCTIONS REGARDING YOUR ACCOUNT BY E-MAIL. Transactional details do not supersede normal trade confirmations or statements. The information contained in this transmission is privileged and confidential. It is intended for the use of the individual or entity named above. The information contained herein is based on sources we believe reliable but is not considered all-inclusive. Opinions are our current opinions only and are subject to change without notice. Offerings are subject to prior sale

11/20/2008

Harden, Joi

From: lucymark@austin.rr.com
Sent: Wednesday, November 19, 2008 2:16 PM
To: Harden, Joi
Cc: paula smuck; David Smuck; Bradley Bohls; Toni House; Browning, Jacob
Subject: Re: PARKER LN. REZONING - CASE #:C14-2008-0162

Joi,

This is written notice to advise you that all three of the property owners abutting the Parker Ln. lots are available to attend the 12/9/08 Planning Commission Meeting.

After our phone call yesterday, I have asked both Richard Bohls and Paula and David Smuck, my Elmhurst neighbors who also abut the Parker Ln. lots, if they are available to attend the 12/9/08 Planning Commission meeting. I explained to them the applicant's need to resolve the rezoning request issue as timely as possible. I found out that we are all available to meet on 12/9/08.

You have our permission to make this the priority meeting date for rescheduling purposes. It is our understanding that this date better serves the applicant's needs and it will also serve our interests as well.

Sincerely,

Mark Terranella

----- Original Message -----

From: Harden, Joi
To: lucymark@austin.rr.com
Cc: Browning, Jacob; Jeffery Archer; Bradley Bohls; David Smuck; Dawn Cizmar; Doug Keating; Gayle; Jean Mather; Jim Woodcock; paula smuck; Rob Ignatowski; Tad Smalley; Toni House
Sent: Monday, November 17, 2008 4:15 PM
Subject: RE: PARKER LN. REZONING - CASE #:C14-2008-0162

Thanks. I will forward your request to the Planning Commission.

Joi

From: lucymark@austin.rr.com [mailto:lucymark@austin.rr.com]
Sent: Monday, November 17, 2008 10:28 AM
To: Harden, Joi
Cc: Browning, Jacob; Jeffery Archer; Bradley Bohls; David Smuck; Dawn Cizmar; Doug Keating; Gayle; Jean Mather; Jim Woodcock; paula smuck; Rob Ignatowski; Tad Smalley; Toni House
Subject: PARKER LN. REZONING - CASE #:C14-2008-0162

Joi,

Following up our phone conversation this morning, I am submitting a written request to postpone the Planning Commission hearing set for 11/25/08 to 1/13/2009.

I have contacted four of the neighbors in the immediate area of the Parker Ln. lots and they are in support of the rescheduling until the 1/13/09 date. The major concern for us in requesting the rescheduling is conflicts with holiday plans

11/19/2008

for travel and other already scheduled events.

Thanks in advance for your help in this matter. Please advise me of any further steps that I may need to take to pursue the rechedulig of the 11/25/08 hearing.

Sincerely,

Mark Terranella
1702 Elmhurst Dr.
Austin, Tx
442-4947

11/19/2008

Harden, Joi

From: lucymark@austin.rr.com

Sent: Monday, November 17, 2008 10:28 AM

To: Harden, Joi

Cc: Browning, Jacob; Jeffery Archer; Bradley Bohls; David Smuck; Dawn Cizmar; Doug Keating; Gayle; Jean Mather; Jim Woodcock; paula smuck; Rob Ignatowski; Tad Smalley; Toni House

Subject: PARKER LN. REZONING - CASE #:C14-2008-0162

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Thanks in advance for your help in this matter. Please advise me of any further steps that I may need to take to pursue the rechedulig of the 11/25/08 hearing.

Sincerely,

Mark Terranella
1702 Elmhurst Dr.
Austin, Tx
442-4947

11/18/2008

Harden, Joi

From: lucymark@austin.rr.com
Sent: Thursday, December 04, 2008 3:39 PM
To: sully.jumpnet@sbcglobal.net; pcavazos_planning@yahoo.com; jay_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; Saundra_Kirk@sbcglobal.net; chris@brandocular.com; clint_small@hotmail.com; amdealey@aol.com
Cc: Harden, Joi; Browning, Jacob
Subject: HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.1) REZONING 1406-1506 PARKER LANE

Dear Planning Commission Member:

We realize that in our previous two messages we have presented many details of our drainage problems involved with the Parker Ln. lots proposed for rezoning. However, after having met with the developer on 12 different occasions, **our greatest concern is his interest in building an "18 to 19 unit condo (or apartment) complex" on the four single family lots behind our home.**

While it is true that the MF3 zoning required for this type of development would require more vigorous watershed protection, the sheer size of the development and the problems associated with it for the single family home owner abutting such a development are our greatest concern. We have dealt with the water problems for years and would chose to continue dealing with them instead of the huge increase in population density associated with his larger development. The 18 to 21 units would result in many more residents, more cars, more in and out traffic, more impervious cover, less green space, more noise pollution and require early morning trash dumpster servicing, just to name a few issues for the home owner adjacent to his proposed development.

The developer, Mr. Diepenbrock, has advised us that there are two ways that he can make his targeted "30% profit margin". He can make his profit margin by building four duplexes on these lots, as is allowable under the current SF3 zoning, or by building his 18 to 19 unit development with the required MF3 zoning change. We, as well as, our neighbors have told him on numerous occasions that we would welcome four new duplexes on these lots but that we are vigorously opposed to his condo project.

Please honor the SF3 zoning already agreed to in our approved Neighbor Plan Future Land Use Map for these lots (which was in effect at the time Mr. Diepenbrock and his partners bought the Parker Ln. lots in 7/06) by denying their rezoning request. Also, please remember that the developer admits that he can get his targeted return on his investment by building duplexes, which the current SF3 zoning allows.

Sincerely,

Mark Terranella and Lucy Petrucelli (Austin home owners/tax-payers since 1976)
1702 Elmhurst Dr.
Austin, TX. 78741

442-4947

12/4/2008

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0162

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

November 25, 2008 Planning Commission

☐ I am in favor
☒ I object

Your Name JEFF FRANK
(please print)

1514 PARKER LANE #212

Your address(es) affected by this application

[Signature]

Signature

11-18-08

Date

Comments: SINCE THE ADJACENT PROPERTIES

ARE BOTH MF-2 THIS PROPERTY SHOULD

BE MF2-COMPS WELL. MF-3 IS TOO

DENSE FOR THIS LOT - MF-2 ACTS AS

A TRANSITION FROM THE MF-3, ACROSS

PARKER LANE AND THE SF, BEHIND

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0162

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

November 25, 2008 Planning Commission

Ernesto & Elena Herrera

Your Name (please print)

1612 Sunnyvale St, Austin, TX 78741

Your address(es) affected by this application

Sene L. Herrera 11-16-08

Signature

Date

Comments:

NO, NO, NO 11

Due neighborhood is being shocked by
Apartment's future decline the
values of our properties. Enough
already! Crime rates + fires
sparked by careless tenants in this
seem to escalate each year,
specifically in Apartment
complexes.

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